

Levi Prods Hill On Tap Warants

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By John P. MacKenzie

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Attorney General Edward H. Levi called yesterday for speedy congressional action on the Ford administration's bill to require court warrants for electronic surveillance in foreign intelligence cases.

"If it is not enacted, I fear much time may pass before another legislative effort goes forward" to control warrantless eavesdropping, Levi said.

Levi outlined the bill, which is pending before the Senate Judiciary Committee, and defended it against criticism that it does not go far enough to protect Americans from government snooping.

"It is innovative. It is a step no administration has ever taken before," Levi said. He spoke before the American Law Institute, an organization of 2,000 lawyers, judges and legal educators meeting at the Mayflower Hotel.

The bill would permit government agents to ask specially designated federal judges for wiretap warrants under procedures similar to search warrant requests. A judge would have to be persuaded that the surveillance probably would produce needed data on actual or potential hostile acts by foreign powers or information on national defense or counterintelligence.

Critics contend that the bill would permit the wiretapping of American citizens who are committing no crimes, if they happen to

meet the bill's definition of a foreign agent.

That is necessary, Levi said, because "the espionage laws simply do not make all clandestine intelligence activities undertaken on behalf of a foreign power criminal."

He said the bill properly does not try to regulate "intelligence gathering by sophisticated electronic means directed at international communications." Senate and House critics have contended that the National Security Agency's listening equipment is a threat to the privacy of innocent overseas communications.

Levi disclosed previously confidential language in a current draft of the bill that disclaims any intent by Congress to curb presidential power to wiretap in "unforeseen circumstances."

The disclaimer would say that Congress was not disexecutive has when confronted with circumstances turbing whatever power the "so unprecedeted and potentially harmful to the nation that they cannot be reasonably he said to have been within the contemplation of Congress" inpassing the bill, Levi said.

Levi criticized the Senate intelligence committee for a May 10 report that created what he said was the "misimpression" that the Justice Department still conducts warrantless wiretaps against "internal security" targets despite a 1972 Supreme Court decision forbidding the practice.